

PLANNING BOARD**MEETING MINUTES****APRIL 27, 2006****MEMBERS PRESENT**

Brian Callahan
Tom Chang, Alternate
Sheila Lahey
Thomas J. Knips, Chairman
Robert J. Rahemba

MEMBERS ABSENT

Peg Birney
Robert LaColla
Joel Sasser, Alternate
David Stenger

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Maryann Johnson for J. Theodore Fink, Town Planning Consultant
John A. Morabito, Senior Planner, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Peter Lynch for the Glenham Fire District
Matthew Horton, P.E.
Richard Rang, P.E.
Timothy O'Brien, P.E.
Daniel Zalinsky, President
Pete Galotti
Reg Walters
Daniel P. Simone, P.E., Vice President
Michael Gillespie, P.E.
Debbie McNamara

The meeting was called to order at 7:00 p.m. by Thomas J. Knips, Chairman. Mr. Knips appointed Tom Chang to fill in for one of the absent Planning Board members.

APRIL 13, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the April 13, 2006 Planning Board Meeting Minutes as amended. So moved by Mrs. Lahey. Seconded by Mr. Rahemba Motion carried.

REVIEW**QUALITY INN HOTEL - SITE PLAN & SPECIAL USE PERMIT**

Mr. Horton stated he is before the Board this evening to request permission to obtain a Clearing and Grading Permit. Mr. Horton stated that he has applied for a permit from the NYS Thruway Authority and expect to receive such permit sometime next week. Mr. Horton stated they are working on the SPEDES permit and they have submitted to the Dutchess County Department of Health and are awaiting their approval as well. Mr. Horton stated they are hoping to make a final submittal the Board to obtain the Chairman's signature on the final drawings soon.

Mr. Andrews reviewed his memorandum to the Board dated April 27, 2006; a copy of this memorandum is attached to the original minutes.

FINAL

REVIEW
QUALITY INN HOTEL - SITE PLAN & SPECIAL USE PERMIT
(CONTINUED)

Mr. Horton asked that Clearing and Grading permission be granted as he is not sure how long it will take to obtain the Department of Health Approval. Mr. Andrews stated he is willing to call the Dutchess County Department of Health and rather than granting the Clearing and Grading; Mr. Horton can submit his final drawings with an approval from the Dutchess County Department of Health.

Mr. Knips asked how much clearing and grading has taken place already on the site. Mr. Andrews stated that there are probably about 10 to 12 truck loads of fill on the site and some brief clearing has taken place. Mr. Knips advised Mr. Horton it is up to him whether to either revise the drawings for a Clearing and Grading Resolution or he can just submit for signature on the final drawings with all necessary documentation. Mr. Horton stated he would rather obtain authorization to obtain a Clearing and Grading Permit now rather than wait for all the approvals to be obtained from the other agencies.

Mr. Knips stated the Chair will entertain a motion to draft a Resolution of Approval for Clearing and Grading for review at the May 11, 2006 Planning Board meeting. So moved by Mrs. Lahey. Mr. Chang abstained. Motion carried.

REVIEW
WATERFRONT @ FISHKILL - PHASE V OVERLOOK POINTE - SUBDIVISION

Mr. Knips stated he is recusing himself from this discussion, appointed Mrs. Lahey as Acting Chair and left the meeting room.

Mr. Simone stated they have submitted a subdivision plat for this project. Mr. Simone stated he did submit a letter requesting a preliminary public hearing but Ms. Davis was kind enough to remind him that a preliminary public hearing was already held on this proposal in July of 2005. Mr. Simone requested a waiver of the final public hearing. Mr. Simone stated that the only substantial comment received at the preliminary public hearing had to do with the access to the sewage treatment plan being the liability and maintenance of the private road which has been addressed by working out an access off of Brockway Road.

Mr. Andrews reviewed his memorandum to the Board dated April 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Simone stated his objective is to resubmit the final site plan drawings and a final subdivision plat to the Board within the next couple of weeks.

Mr. Andrews stated there will be a final public hearing on the site plan but the final public hearing subdivision may be waived if that is what the Board desires.

Mr. Chang made a motion to waive the final public hearing for the Waterfront at Fishkill - Phase V Subdivision. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

FINAL

REVIEW
WATERFRONT @ FISHKILL - PHASE V OVERLOOK POINTE - SUBDIVISION
(CONTINUED)

Mr. Rahemba made a motion to schedule a public hearing for the June 8, 2006 Planning Board meeting provided that the revised drawings are submitted to the Planning Department in accordance with the deadline date of May 17, 2006. Seconded by Mr. Chang. Mr. Knips abstained. Motion carried.

REVIEW
PINE VIEW - SUBDIVISION

Mr. Gillespie stated they have gathered some additional information on Pine View Road and have revised the drawings.

Mr. Knips asked how long Pine View Road is up until this point, Mr. Gillespie stated the road as it exists now is about 400' to 500'.

Mr. Andrews stated the lots exist, the road exists and we are not starting from scratch here and this is an improvement. Mr. Andrews stated the Highway Superintendent has been working with applicant for about a year now that is workable and gives the Town a more acceptable turn-around.

Mr. Andrews reviewed his memorandum to the Board dated April 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Lynch of the Glenham Fire District asked if this is all within the Glenham Fire District or are they within the NYSDEC District. Mr. Andrews stated he believed these are the last lots within the Glenham Fire District.

Mr. Lynch asked the turning radius on the driveways; Mr. Andrews stated about a 45' to 50' radius exists on the driveways. Mr. Gillespie stated they have no problem widening the driveways just as long as they are told what is required.

Ms. Johnson reviewed Mr. Fink's memorandum to the Board dated April 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Knips asked if these lots have ever been developed. Mr. Gillespie stated they are vacant lots at this time.

Mr. Andrews advised Mr. Gillespie to have a meeting with the Highway Superintendent and the Glenham Fire District and possibly the Board may want to schedule a preliminary public hearing first before details are finalized.

Mrs. Lahey made a motion to schedule a preliminary public hearing for the June 8, 2006 Planning Board meeting. Seconded by Mr. Callahan. Motion carried.

FINAL

PUBLIC HEARING
REGENCY AT FISHKILL (F.K.A. FISHKILL COMMONS AT WESTAGE) -
RESUBDIVISION OF PARCEL A, FILED MAP NO. 9304C

The public hearing was called to order by the Board at 7:40 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Rang stated that Toll Bros., Inc. is seeking Preliminary Subdivision Approval to subdivide Parcel A Filed Map No. 9304C, a parcel totaling 24.55 acres into two (2) lots. Mr. Rang stated that Lot 1 will consist of 22.62 acres (the project site for Regency at Fishkill) in the PB (Planned Business) and Senior Citizen Overlay Zoning Districts and Lot 2 will consist of 1.93 acres in the PSC (Planned Shopping Center) Zoning District for which no specific development plans exist. Mr. Rang stated that the parcel for this proposed is located on West Merritt Boulevard.

Mr. Rang stated they received a variance for the 4-story from the Zoning Board of Appeals and is included in the Rombout Fire Ladder District.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. Chang made a motion to close the public hearing at 7:43 p.m. Seconded by Mr. Rahemba. Motion carried.

PUBLIC HEARING
REGENCY AT FISHKILL (F.K.A. FISHKILL COMMONS AT WESTAGE)
SITE DEVELOPMENT PLAN

The public hearing was called to order by the Board at 7:44 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Rang that Toll Bros., Inc. is seeking Preliminary Site Development Plan Approval for the construction of a Senior Citizen Residential Development consisting of eight (8) four-story buildings yielding 184 dwelling units and a community building together with the installation of supporting improvements including access roads, parking areas, water supply, sanitary sewer and stormwater facilities, landscaping, lighting and other improvements. Mr. Rang stated that the parcel for this proposal is located on West Merritt Boulevard, in the PB (Planned Business) and Senior Citizen Housing Overlay Districts and will consist of 22.62 acres.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. Walters stated the entrance configuration changed as requested by the Board and they have provided a left-turn lane with stacking. Mr. Walters stated they have demonstrated that if this becomes a through-road it can work. Mr. Walters stated the emergency access road has improved. Mr. Marino of the Rombout Fire District asked if this road will used for fire department access only. Mr. Andrews stated that is up to Mr. Marino as the applicant has provided two emergency accesses.

FINAL

PUBLIC HEARING
REGENCY AT FISHKILL (F.K.A. FISHKILL COMMONS AT WESTAGE)
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated putting aside the gated community there was a vehicle stacking concern and by sliding it and creating length there is flexibility for stacking. Mr. Andrews stated this appears to work much better now.

Mr. Walters stated additional screening and buffering from Sam's Club and the KFC facility are now provided. Mr. Walters stated they are progressively updating this plan to address the remaining comments they have received from the Board and Town's consultants. Mr. Walters stated they are hoping to make a submission on the deadline of May 17, 2006 for the June 8, 2006 Planning Board meeting. Mr. Rang stated they have relocated the dumpster but this is still not the final location.

Mrs. Lahey stated once you get past the gates and you're inside it seems like there is a very large area of blacktop and how it will be marked so people will know which way to go when they get in. Mr. Rang stated he would imagine that pavement markings will be provided but he will certainly look into this further.

Ms. Johnson asked if the Board had asked for a visual on the entrance. Mr. Rang stated since this was just completed they have not done the visual yet.

Mr. Rang stated the mail delivery will have access to the gate and other deliveries will go through the visitor's entrance.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mrs. Lahey made a motion to close the public hearing at 7:54 p.m. Seconded by Mr. Callahan. Motion carried.

VAN WYCK MEWS (F.K.A. MERRITT PARK CONDOMINIUMS) - RESUBDIVISION OF
PARCEL 1, FILED MAP NO. 11813A AND LOT 3, FILED MAP NO. 11813 AND SITE
DEVELOPMENT PLAN

Mr. Rang stated he understands that the Negative Declaration will not be done this evening due to the late submission of the documentation required by the Board, so they see no point in staying for the rest of the meeting.

REVIEW
HOLD - SUBDIVISION

Mr. Gillespie stated the revised plan shows the topography and they have tried to carry the common element of the driveway within the 15% grade area. Mr. Gillespie stated they are hoping that the plan they have submitted addressed the Board's concern regarding the grade and disturbance.

FINAL

REVIEW
HOLD - SUBDIVISION
(CONTINUED)

Mr. Andrews stated in order to have a shared driveway there has to be practical difficulty as they are not deriving access over their own frontage. Mr. Andrews stated the Board requested a two (2) lot subdivision which is reflected in the December 8, 2005 Planning Board meeting minutes. Mr. Andrews stated the Board's goal is to bring the level of disturbance to what is acceptable by the Town Code.

It was the consensus of the Board that this plan does address their concerns regarding disturbance on steep slopes.

Mr. Knips suggested that a prominent note be placed on the subdivision plat indicating that the lots may be at their maximum allowable coverage according to the Town Code. Mr. Gillespie stated he can add a note if that is that is what the Board desires.

Mr. Andrews stated the Board is satisfied with the current plan and that comment number 3 on his memorandum dated April 27, 2006 be stricken; Mr. Andrews reviewed his memorandum to the Board; a copy of this memorandum is attached to the original minutes.

Ms. Johnson reviewed Mr. Fink's memorandum to the Board dated April 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Gillespie asked if is appropriate for him to request a referral to the Zoning Board of Appeals. Mr. Andrews stated that typically the Board requests that this review be a little bit further along before they refer this to the Zoning Board of Appeals. The Board agreed with Mr. Andrews.

REVIEW
JCN PROPERTIES, LLC - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews stated the Board addressed his memorandum dated March 27, 2006 at their last meeting. Mr. Andrews stated Mr. Ninnie came in a number of years ago with a Site Plan for this lot which had an existing house on it and he started renovating it without certain permits. Mr. Andrews stated the Board suggested that both sites be combined on to one (1) site plan. Mr. Andrews stated the one portion of the site was already there and was built and the second part of the site was there and built and exists today. Mr. Andrews stated for a variety of reasons this disappeared off the radar and Mr. Ninnie, to his credit has pursued it consistently.

Mr. Morabito reviewed his memorandum to the Board dated April 27, 2006; a copy of this memorandum is attached to the original minutes. Ms. McNamara stated the site is maintained and kept very well.

Mr. Andrews stated the whole intent here is that this be completed. Mr. Andrews recommended that this be scheduled for a public hearing at the next Planning Board meeting and that the Board authorize Mr. Morabito to meet with Mr. Eugene Ninnie to address the parking issues.

FINAL

REVIEW
JCN PROPERTIES, LLC - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips stated the Chair will entertain a motion to authorize Mr. Morabito to meet with Mr. Eugene Ninnie. So moved by Mrs. Lahey. Seconded by Mr. Callahan. Motion carried.

Mr. Knips stated the Chair will entertain a motion to schedule a public hearing at 7:30 p.m. or as soon thereafter possible for the May 11, 2006 Planning Board meeting. So moved by Mrs. Lahey. Seconded by Mr. Rahemba. Motion carried.

REVIEW
STADIUM PLAZA (F.K.A. WATERFRONT AT FISHKILL PHASE VIA RETAIL PARCEL)
SUBDIVISION

Mr. Andrews stated he has not had a chance to review this Resolution and asked that it be deferred to the May 11, 2006 meeting. So moved by Mrs. Lahey. Seconded by Mr. Callahan. Motion carried.

ZBA REFERRAL - APPLICATION NO. 06-006 - RICK & DONNA WASYLCHAK - 21
VICTORIA LANE
R-2A ZONING DISTRICT

It was the consensus Board that they are concerned with the adjacent owners in the rear, close proximity of the house next door and they need a variance for lot coverage and % increase in the existing non-conformity.

SITE VISITS

Mr. Knips stated that Mr. Colsey was kind enough to provide a listing to the Board members of projects which require site visits. Mr. Knips asked the Board what time of day would be their preference to perform site visits. It was the consensus of the Board that late in the afternoon would be their preference to perform site visits. Mr. Knips asked Ms. Davis to schedule an item on the next agenda entitled "Site Visits" so that they start making up a schedule.

Mr. Rahemba made a motion to close the meeting at 8:45p.m. Seconded by Mrs. Lahey. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL